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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,133	02/24/2004	Christopher M. Gallant	05918-324001 / VGCP No.	1633
26161	7590	07/06/2006	7	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER RODRIGUEZ, RUTH C	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/785,133	Applicant(s) GALLANT ET AL.	
	Examiner Ruth C. Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-50 and 69-74 is/are allowed.
- 6) ☒ Claim(s) 51-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The finality of that action is withdrawn in view of a newly discovered reference. The indicated allowability of claims 51-68 is withdrawn in view of the newly discovered reference(s) to Hartman. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 51-55 and 56-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartman (US 6,085,394).

A self-engageable fastener component (10) comprises a sheet-form base (10a,10b) and an array of wedge-shaped, engageable elements (18,49) extending integrally from at least one side of the sheet-form base (Figs. 1-8). Each of the engageable elements has an engageable side (underside of engageable element) and a non-engageable side (upper side of engageable element) conterminous at an upper edge of the element (Figs. 1-8). The upper edge of each engageable element defines a

curve in top view and the engageable sides of a majority of the elements are oriented in a common direction (Figs. 1-8). The sheet-form base forms a tube with the wedge-shape elements extending from a curved surface of the tube (Figs. 6-8).

The curved surface comprises an outer surface of the tube (Figs. 6-8).

The curved surface comprises an inner surface of the tube (Figs. 6-8).

The tube defines a longitudinal gap extending along its length between opposite edges of the sheet-form base (Figs. 6-8).

The engageable elements are arranged in at least one row along the sheet-form base (Figs. 1-8).

The curve defined by the upper edge in top view is substantially circular with a constant radius of curvature (Figs. 1-8).

The curve defined by the upper edge in top view is of a group consisting of parabolic curves, elliptical curves, hyperbolic curves and mixtures thereof (Figs. 1-8).

The non-engageable side of the each fastener element rises from the sheet-form base at an angle of between 5 and 45 degrees (Figs. 1-8).

The engageable sides of the wedge-shaped elements overhang the sheet-form base (Figs. 1-8).

The engageable side of each fastener element extends downward from the upper edge toward the sheet-form base at an undercut angle, measured in a midplane bisecting the fastener element and perpendicular to the sheet-form base of between about 10 and 45 degrees (Figs. 1-8).

A self-engageable fastener component (10) comprises a sheet-form base (10a,10b) and an array of wedge-shaped, engageable elements (18,49) extending integrally from at least one side of the sheet-form base (Figs. 1-8). Each of the engageable elements has an engageable side (underside of engageable element) and a non-engageable side (upper side of engageable element) conterminous at an upper edge of the element (Figs. 1-8). The upper edge of each engageable element defines a curve in top view and the engageable sides of a majority of the elements are oriented in a common direction (Figs. 1-8). The sheet-form base forms an elongated, U-shaped structure (half of the tubular member shown in Figs. 6-8).

The wedge-shaped elements extend from an inside surface of the U-shaped structure (Figs. 6-8). A majority of the engageable sides of the wedge-shaped elements directed away from an open edge of the U-shaped structure (Figs. 6-8).

The wedge-shaped elements extend from an outside surface of the U-shaped structure (Figs. 6-8).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3677

5. Claims 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman.

Hartman disclose at least one row of wedge-shaped elements. Hartman fails to disclose that the elements are arranged in multiple rows, with elements of adjacent rows offset from one another along their respective rows. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have elements are arranged in multiple rows, with elements of adjacent rows offset from one another along their respective rows since duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). The elements can be place in offset rows as long as the elements can be able to be engaged with each other in accordance with the teachings of Hartman.

Allowable Subject Matter

6. Claims 38-50 and 69-74 are allowed.

Response to Arguments

7. Applicant's arguments with respect to claims 51-68 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mintel et al. (US 4,794,674), Clark (US 4,941,238), Allan (US 5,179,767 and US 5,640,744), Kaneko (US 5,212,853), Duffy (US 5,983,467), Martin et al. (US 6,625,851 B1) and Akeno et al. (US 6,487,759 B1) are cited to show state of the art with respect to fasteners having some of the features being claimed by the current application.

Merser (US 3,462,802) and Meeks (US 4,537,432) are cited to show state of the art with respect to straps having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

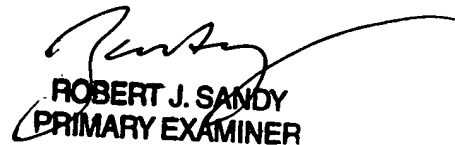
Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
June 30, 2006


ROBERT J. SANDY
PRIMARY EXAMINER